

THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 767 of 2003

Roorkee Truck Owners Association
(Regd.) 18, New Nagar Palika Market,
11-Civil Lines, Roorkee,
Distt. Haridwar, through
its secretary

.....Petitioner

Versus

Oriental Insurance Co.
And others.

.....Respondents.

Mr. Lok Pal Singh, Advocate of the petitioner.
Sri. T.A. Khan, Advocate for the respondents.

Coram: Hon.S.J.Kapadia, C.J.
Hon. Rajesh Tandon,J.

Date: 23.08.2003

PC:-

The petitioner is a registered society under the Society Registration Act. It has 150 members. About 110 trucks of the members were insured with the respondent no.4- Oriental Insurance Company having its office at 28 Civil Lines, Roorkee, district Haridwar. But, about 60 claims lodged by the members are pending disposal before the respondent no.4 having its office at Roorkee. The respondent no.4 has issued a public notice stating that the Branch Office at Roorkee was being transferred to Muzaffarnagar because of unavoidable reasons. Petitioner claims that no such circumstance exists. The petitioner states that by reason of the transfer of the Branch from Roorkee to Muzffarnagar, the petitioner would be put to undue hardship. It is submitted that claim-disputes were required to be adjudicated at Roorkee, but by reason of transferring the office to Muzaffarnagar, the petitioners have violated service conditions offered to the customers.

We do not find any merit in this petition. The claim of the petitioner is not defeated in any way. This Court is not going to make commercial decisions on behalf of Oriental Insurance Company Hence, the petition is rejected.

(Rajesh Tandon, J.)

(S.J.Kapadia, C.J.)

AK: